

SIX FLAGS NEW ENGLAND	
SUBJECT: HAZARD COMMUNICATION	SAFETY REFERENCE MANUAL
SECTION: 20	
EFFECTIVE: January 2016	SUPERSEDES: ALL PREVIOUS
CFR #: 29 CFR 1926.59 – <i>Subpart D</i>	

20.1 PURPOSE

To define the minimum requirements of an adequate Hazard Communication Program that informs associates of the physical health hazards of chemicals they may encounter in the workplace. This program meets the requirements of OSHA's Hazard Communication Standard. 29 CFR 1910.1200. Copies of the written program will be maintained in the Safety Office, First Aid and Departmental Offices and will be available for review to any Host or Hostess.

OSHA has recently revised its Hazard Communication Standard. The Hazard Communication Standard (HCS) is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The new standard is being phased in over time, with additional employee training required by December 2013 and full implementation taking effect by December 2015.

20.2 APPLICABILITY

Hazard Communication is the method by which associates are informed of the various chemical hazards in their workplace. Chemical is defined very broadly as any element, chemical compound or mixture of elements and/or compounds. Therefore, almost all chemicals used at SIX FLAGS NEW ENGLAND are covered by this program.

The following materials are exempt from the procedure:

- Any hazardous waste which is subject to the regulations of the EPA;
- Substances generally available to the public that are used in the workplace in the same form, volume, concentration, and manner as consumer goods;
- Tobacco or tobacco products;
- Wood or wood products; and
- Foods, drugs, or cosmetics for personal consumption used by employees workplace

When labeled in accordance with other federal requirements, the following substances are exempt only from the labeling provisions of the procedure:

- pesticides subject to the EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) labeling requirements
- food, drug, or cosmetic material subject to labeling requirements of the FDA
- distilled spirits, wine, or malt beverages subject to labeling requirements of the Treasury's Bureau of Alcohol, Tobacco, and Firearms (BATF)
- consumer products subject to labeling requirements of the Consumer Product

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Safety Commission.

20.3 PROCEDURE

A. Hazardous Chemical Inventory List

A list of all known chemicals used at Six Flags New England is located in the MSDS/SDS database and available in hard copy at the Employee Services Office and Maintenance Office hallway. Safety will have a master database and will be responsible for updating the hard copies of the MSDS/SDS.

This inventory lists the material name (by trade/common name) and department where the material is used. An inventory will also be available in each area for the chemicals that are used in that area.

B. Hazard Determination

All hazardous chemicals at Six Flags New England are purchased materials; there are no manufactured or intermediate hazardous chemicals. Therefore, Six Flags New England shall rely on the hazard determination made by the chemical manufacturer as indicated on the Material Safety Data Sheet (MSDS).

C. New Material Review /Material Safety Data Sheets

Before chemicals are ordered, the individual who is ordering the chemical must fill out a New Material Review Form (see Page 6, Hazard Communication Policy and Procedure) and attach the Material Safety Data Sheet for the material that is being requested. This form must be turned into either the Safety/Security Manager for review and approval. Once approved, the chemical may be ordered.

Copies of the approved New Material Review Form must be kept on file at all times. Above all, it is the responsibility of the department manager to ensure that New Material Review Forms and Material Safety Data Sheets are complete and turned into the Safety Department.

A complete file of all Material Safety Data Sheets for all chemicals to which associates of SIX FLAGS NEW ENGLAND may be exposed will be filed in the MSDS binders located in the ESO and Safety Office. Additionally, MSDS's will also be available at the ESO department to associates at their specific work locations.

Material Safety Data Sheets will be available to all associates for review. If a MSDS is not available, or is incomplete, the Safety/Security Manager should be notified immediately.

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Under the revised HCS, the term Material Safety Data Sheets (MSDS) will be replaced by Safety Data Sheets (SDS). The information required on the safety data sheet (SDS) will remain essentially the same as that in the current standard, however it does specify that information be presented in a consistent sixteen section format.

The format of the 16-section SDS should include the following sections:

Section 1	Identification
Section 2	Hazard(s) identification
Section 3	Composition/information on ingredients
Section 4	First-Aid measures
Section 5	Fire-fighting measures
Section 6	Accidental release measures
Section 7	Handling and storage
Section 8	Exposure controls/personal protection
Section 9	Physical and chemical properties
Section 10	Stability and reactivity
Section 11	Toxicological information
Section 12	Ecological information
Section 13	Disposal considerations
Section 14	Transport information
Section 15	Regulatory information
Section 16	Other information, including date of preparation or last revision

Sections 12-15 may be included in the SDS, but are not required by OSHA.

D. Labeling

Employees who receive chemicals shall verify that the label contains the proper information. The label must contain the following:

- name of chemical
- name and address of manufacturer, importer, or responsible party
- description of the health hazards and/or physical hazards
- precautions that need to be taken when using the chemical
- first aid procedures to be administered

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Any time a chemical is transferred from its original container to another container, the new container must be labeled. The new label should contain all of the above information.

It is the responsibility of the associate that directly transfers a chemical from the original container to a secondary container to ensure that the secondary container is labeled.

The revised Hazard Communication Standard (HCS) specifies what information is to be provided for each hazard class and category. Labels will now require the following elements:

- **Pictogram:** a symbol plus other graphic elements, such as a border, background pattern, or color that is intended to convey specific information about the hazards of a chemical. Each pictogram consists of a different symbol on a white background within a red square frame set on a point (i.e. a red diamond). There are nine pictograms under the GHS. However, only eight pictograms are required under the HCS.
- **Signal words:** a single word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. The signal words used are "danger" and "warning." "Danger" is used for the more severe hazards, while "warning" is used for less severe hazards.
- **Hazard Statement:** a statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard.
- **Precautionary Statement:** a phrase that describes recommended measures to be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical or improper storage or handling of a hazardous chemical.

ALL CONTAINERS MUST BE LABELED!! NO EXCEPTIONS!!

The entire labeling procedure will be reviewed annually by the Safety/Security Manager.

E. Employee Information and Training

Prior to starting work, new associates of SIX FLAGS NEW ENGLAND will attend a Hazard Communication training program. The Human Resource Department, with the approval of the Safety Department, is responsible for organizing the initial program. Further training is the responsibility of the associate's assigned department with the assistance of the Safety Department.

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Under the revised Hazardous Communication Standard, all affected employees must be trained regarding the new label elements and safety data sheet (SDS) format no later than December 1, 2013.

The following topics will be covered:

- an overview of the requirements of the Hazard Communication Standard
- the labeling system and how to use it
- how to use MSDS/SDS and where they are located
- chemicals present in the workplace
- physical and health effects of hazardous chemicals
- description and use of personal protective equipment
- safety/first aid/ emergency procedures to follow
- review and location of the written program

Following each training session, the associate shall sign and date the training checklist, verifying attendance. All training checklists and other training records must be maintained by the associate's assigned department.

An associate must attend training and sign the checklist before performing work that requires the use of or potential exposure to hazardous chemicals. The chemical checklist will contain:

- chemical name.
- hazards,
- precautions,
- use of the chemical, and
- signature of the trained associate and the trainer.

20.4 ON-SITE CONTRACTORS AND VENDORS

When contractors or vendors are working on SIX FLAGS NEW ENGLAND property, they shall be provided with the following information:

- hazardous chemicals to which the contractors' or vendors' associates may be exposed

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-precautions necessary to protect associates during normal operating conditions and emergencies

-location of MSDS's/SDS

-a copy of SIX FLAGS NEW ENGLAND Contractor Policy and Procedures

-a copy of Contractor training verification

It is the responsibility of the Maintenance Manager to whom the contractor is reporting to ensure that the above information is reviewed with the contractor. The contractor shall comply with all facets of the Hazard Communication section of the Contractor Safety and Security Procedure. See Procedure for specific requirements.

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NEW MATERIAL REVIEW FORM

Date: _____ DEPT/SECTION OF USE: _____

ORIGINATOR NAME: _____

CHEMICAL NAME: _____

TRADE NAME: _____

VENDOR NAME AND ADDRESS: _____

VENDOR TELEPHONE N'UMBER:

() _____

REASON FOR NEW CHEMICAL: _____

IF REPLACEMENT, WHY? _____

HOW MUCH OLD PRODUCT IS LEFT? _____

CAN IT BE USED? IF NOT, HOW DO WE DISPOSE OF THE PRODUCT?

WHAT POSITIONS WILL BE USING THE CHEMICAL?

CONTAINER SIZE: ____LB BAG ____GAL CONT. ____BULK

HOW MANY CONTAINERS WILL BE ON
SITE? _____

WHERE WILL THEY BE STORED? _____

HOW IS CHEMICAL DISPOSED
OF? _____

SAFETY APPROVAL: _____ DATE: _____

SAFETY COMMENTS: _____

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APPENDIX A HAZARD COMMUNICATION ACTION PLAN

PURPOSE

Actions we will take as a company to keep our hazard communication program incorporated in our everyday activities.

TRAINING DEPARTMENT

As a part of orientation, all employees will receive a pamphlet which informs them as to what the hazard communication standard is and how they can get applicable information. Follow up will be done by the Risk Management Department. This follow up can include viewing a video, question and answer session, review of distributed information, or training on chemicals as needed.

DEPARTMENTAL TRAINING

The department supervisor shall ensure proper training of all employees as to the proper use and required guidelines to ensure safe usage, storage, and mixing and document same. Only the necessary amounts to perform a job should be dispensed to help keep disposal amounts to a minimum. It shall be the responsibility of the person using these materials to inform anyone who enters the work area that certain guidelines must be met and safety equipment must be used or the person must leave the work area.

Documentation: All employees' files shall contain a sign-off sheet indicating that they have been orientated on the Hazard Communication Standard. (Employee Right to Know)

In the Operations, Administration, and Resale areas, the Warehouse Manager or designee shall ensure proper labeling on all shipping and receiving of all materials with assistance from the Risk Management Department. All Operation, Administration, and Resale materials must pass through this area to ensure compliance.

All in-plant containers of hazardous chemicals will be labeled with at least the following information:

- identity of the hazardous chemical(s)
- appropriate hazard

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The work area supervisor is responsible for reviewing and assuring label information is kept current.

No label is to be defaced or removed when a material is received or in use.

All employees shall be responsible for keeping containers labeled. No product is to be used if you are not sure exactly what it is. If it is not labeled, check with your supervisor concerning the proper procedure for disposal. Should questions arise, contact Risk Management immediately

PARK PROCEDURES

WAREHOUSE

Must ensure all chemicals are properly labeled before chemical is delivered/picked up and/or purchased from the warehouse.

When a chemical arrives with MSDS/SDS, Parts Warehouse will ensure that the MSDS/SDS for that chemical is sent to the Safety Office. If the chemicals' MSDS/SDS is already on file then the superseding MSDS/SDS will need to be compared to the original for any necessary changes.

Parts Warehouse will keep the original MSDS/SDS that come with the chemical and will be stored in MSDS/SDS books.

When a chemical arrives with an MSDS/SDS that has not been entered into the MSDS/SDS program, Parts Warehouse will send the MSDS/SDS to the Safety Department to be properly rated (H 1 F1 R1 A). Once the chemical is rated then Parts Warehouse will issue a label and Safety will enter the MSDS/SDS into the files..

When a chemical arrives without an MSDS/SDS no chemical can be delivered and/or picked up by a department. Parts Warehouse will need to inform the requesting department that a New Material Review Form will need to be filled out with the MSDS/SDS attached and then sent to the Safety Manager for review and approval.

When a department requests the purchase of squirt bottles, pickle buckets and /or any other containers that would be used for chemicals, Parts Warehouse must ensure proper labeling for that container.

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PURCHASING

All chemical requests that go to Purchasing will be checked by the Safety Department for clearance.

In the event the chemical being requested can be found in the MSDS/SDS files, and is rated, then the chemical can be purchased.

A **Minor Purchase Order** is not to be used to purchase chemicals unless the Safety Department has approved the chemical. If the chemical being requested cannot be found on the MSDS/SDS program then the Purchase Request and/or Minor Purchase Order will be sent back to the requesting department. The requesting department will need to be given a New Material Review Form to fill out. Once fill out the requesting department will need to retrieve the MSDS/SDS and then attach the MSDS/SDS to the New Material Review Form and then sent to the Safety Manager for review and approval. Once approved the request will be sent back to Purchasing for the chemical to be purchased.

CASH CONTROL

Petty Cash advances **cannot** be used for purchasing chemicals unless approved by the Safety Department. Petty Cash advances can be given to buy chemicals only if a New Material Review Form has been filled out and an MSDS/SDS of that chemical has been attached to the Review Form and sent to Safety for review and approval. Cash Control will need to ask the individual requesting a petty cash advance if he/she is using the cash to purchase chemicals. If chemicals are to be purchased then a New Material Review Form will given out and the individual will need to be directed to the Safety Department for further direction.

SECURITY

All chemical product ratings' will be available on the **MSDS/SDS** program. Security Dispatch will have access and will be able to retrieve any MSDS/SDS information needed. Security will be the First Aid contact when the Park is closed.

SAFETY

Safety will monitor the MSDS program.

Safety will be sent New Material Review Forms and will review the form and the attached chemical to determine if chemical can be purchased.

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Safety will rate all chemicals.

Safety will assist departments in the consolidation process of chemicals.

DEPARTMENTS

- Will be responsible for on-the-job training and will ensure that all labels remain intact for that department. Extra labels can be obtained at Parts Warehouse.
- Chemical products can only be purchased through the Purchasing department. Chemicals not approved with a rated MSDS/SDS, are not to be brought onto Park premises from home, the store, or from any other location.
 - **For example:** Departments having cookouts will need to obtain charcoal lighter fluid through the Parts Warehouse and will need to provide proper storage for that chemical i.e. Flammable storage cabinet.
- The official MSDS/SDS book will be stored in Safety and will be accessible through Security 24 hrs. a day. Each MSDS/SDS should be used as a training tool during on-the-job training, however it should be simplified to a Job Task Analysis or some form of simplified steps.
- If the chemical is to be purchased through a Purchase Requisition, Minor Purchase Order and/or through Petty Cash and the chemical cannot be found on the **MSDS/SDS** program, a purchase and/or cash advance will be denied. The Purchasing Department will send the request back to the requesting department with a New Material Review Form to be reviewed by Safety. Cash Control will also send the individual back with a New Material Review Form to be reviewed by Safety. Departments will need to fill out the Review Form and attach the MSDS/SDS to the Review Form that is to be reviewed. Once the MSDS/SDS has been reviewed and approved then the department will be able to continue the purchasing the process.
- A Material Safety Data Sheet (MSDS)/SDS containing the information required by the Hazard Communication Standard will be kept for each substance listed on our "Hazardous Chemical List". The MSDS/SDS will be the most current one supplied by the chemical manufacturer, importer, or distributor. You have the right to review these MSDS/SDS. The Safety Department shall maintain the file of MSDS/SDS.
- MSDS/SDS are filed in Safety and are readily accessible to employees during each work shift.

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MATERIAL SAFETY DATA SHEETS

A Material Safety Data Sheet (MSDS)/SDS containing the information required by the Hazard Communication Standard will be kept for each substance listed on our "Hazardous Chemical List". The MSDS/SDS will be the most current one supplied by the chemical manufacturer, importer, or distributor. You have the right to review these MSDS's/SDS. The Safety Department shall maintain the master file of MSDS's/SDS.

The MSDS/SDS are filed in Safety Office and all Department Offices and are readily accessible to employees during each work shift.

EMPLOYEE INFORMATION AND TRAINING PROGRAM POLICY

All employees, including temporary employees, working with or potentially exposed to hazardous chemicals, will be appropriately informed and trained per 1910.1200(h) concerning the potential hazards of the chemicals to which they may be exposed.

All employees will be informed of the details of the Hazard Communication Program including an explanation of the labeling system and the Material Safety Data Sheets/SDS, and how employees can use the appropriate hazard information.

The Risk Management Manager is responsible for the overall coordination of the content of the training program. The actual training shall be comprised of two parts:

1. Introduction and explanation of the Hazard Communication Program shall be done by the training department as a part of each employee's orientation.
2. Specific training relating to chemicals used shall be the department supervisor's responsibility.

NOTE: The Safety/Security Manager shall coordinate the introduction and explanation of the Hazard Communication Program in areas not applicable to the normal training department responsibilities.

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CONTRACTOR POLICY

Outside contractors must be provided with all necessary information concerning the potential hazards of the substances to which they may be exposed and appropriate protective measures required to minimize their exposure.

Whenever possible, the contractor or agency management should be provided with a list of the hazardous chemicals and the Material Safety Data Sheets/SDS for the materials their employees will be using in the course of their work.

Likewise, all outside contractors must provide SIX FLAGS NEW ENGLAND all necessary information concerning the potential hazards of any substance they bring on site to ensure appropriate protection measures are used. MSDS/SDS for each substance **must** be provided.

This procedure will be addressed in each contract.

HAZARD COMMUNICATION PROGRAM

The Hazard Communication Program is firmly committed to providing employees with a safe and healthy work environment. It is part of our company policy and is required under the OSHA act for review by the public. Risk Management will have the overall responsibility for coordinating the program for SIX FLAGS NEW ENGLAND.

ACCESS TO WRITTEN PROGRAM

All or any part of this written Hazard Communication Program is available to employees, their designated representative, the Assistant Secretary of Labor for Occupational Safety and Health (OSHA), and the Director of the National Institute for Occupational Safety and Health (NIOSH).

HAZARD DETERMINATION

The initial determination to list a chemical is coordinated by Risk Management or the manufacturer.

Any substance listed in 29 CFR, subpart Z, Toxic and Hazardous Substances, the American Conference of Governmental Industrial Hygienists (ACGIH). Threshold limit values for chemical substances and physical agents in the work environment, the National Toxicology Programs (NTP), the annual report on carcinogens, or the International Agency for Research on Cancers (IARC). Monographs will be considered a health or physical hazard and therefore hazardous.

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Any substance known to be present in the workplace will be listed in the “Hazardous Chemical List”. Risk Management is responsible for coordinating and maintaining the list.

The identity of the substance appearing on the “Hazardous Chemical List” will be the same name that appears on the manufacturer’s label, in-house label, and the MSDS/SDS for that substance.

The “Hazardous Chemical List” will serve as a prelude to the MSDS/SDS notebook.

LABELING

No hazardous chemicals will be accepted for use in the facility, or shipped to any outside location, unless labeled with at least the following information:

- identity of the hazardous chemical(s)
- appropriate hazard warnings (placarding)
- UN listing
- emergency telephone number and contact

In the maintenance area, the purchasing department shall check for proper labeling on all receiving of materials with the assistance of Risk Management. All maintenance materials must pass through this area to ensure compliance.

COMPLIANCE

Inspections shall be performed by members of the Risk Management Department to ensure that the Hazard Communication Plan is being complied with. All deficiencies will be reported to the appropriate supervisor or manager to ensure correction. If deemed necessary, immediate action may be taken by Risk Management to correct a problem if the possibility of imminent danger exists or if the deficiency is of a routine nature.

WASTE STORAGE

All hazardous waste must be properly stored and labeled with a hazardous waste label as required. Hazardous waste is not to be mixed for disposal. Contact Risk Management to ensure proper labeling and storage.

WASTE DISPOSAL

Disposal of all hazardous waste will be coordinated by Risk Management through an approved facility.

SIX FLAGS NEW ENGLAND is responsible that all hazardous waste is disposed of properly.

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APPENDIX B HEALTH PROVISIONS

PURPOSE

The purpose of this section is to provide employees and their designated representative a right of access to relevant exposure and medical records; and to provide representatives of the Assistant Secretary a right of access to these records in order to fulfill responsibilities under the Occupational Safety and Health Act. Access by employees, their representatives, and the Assistant Secretary is necessary to yield both direct and indirect improvements in the detection, treatment, and prevention of occupational disease. Each employer is responsible for assuring compliance with this section, but the activities involved in compliance with the access to medical records provisions can be carried out, on behalf of the employer, by the physician or other health and confidentiality of employee medical information, the duty to disclose information to a patient/employee or any other aspect of the medical-care relationship, or affect existing legal obligations concerning the protection of trade secret information.

SCOPE AND APPLICATION

This section applies to each general industry, maritime, and construction employer who makes, maintains, contracts for, or has access to employee exposure or medical records, or analyses thereof, pertaining to employees exposed to toxic substances or harmful physical agents.

This section applies to all employee exposure and medical records, and analyses thereof, of such employees, whether or not the records are mandated by specific occupational safety and health standards.

This section applies to all employee exposure and medical records, and analyses thereof, made or maintained in any manner, including on an in-house or contractual (e.g. fee-for-service) basis. Each employer shall assure that the preservation and access requirements of this section are complied with regardless of the manner in which the records are made or maintained.

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DEFINITIONS

Access: Means the right and opportunity to examine and copy.

Analysis using exposure or medical records: Means any compilation of data or any statistical study based at least in part on information collected from individual employee exposure or medical collected from health insurance claims records, provided that either the analysis has been preparing the analysis.

Designated representative: Means any individual or organization to which an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Employee: Means a current employee, a former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agent. In the case of a deceased or legally incapacitated employee, the employee's legal representative may directly exercise all the employee's rights under this section.

Employee exposure record: Means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained.
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g. the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs.
- Material safety data sheets indicating that the material may pose a hazard to human health.
- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g. chemical, common, or trade name) of a toxic substance or harmful physical agent.

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Employee Medical Record: Means a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel or technician, including medical and employment questionnaires or histories (including job description and occupational exposures) and the results of medical examinations (pre-employment, pre-assignment cut, periodic, or episode) and laboratory tests (including chest and other X-ray examinations taken for the purposes of establishing a base-line or detecting occupational illness, and all biological monitoring not defined as an "employee exposure record"). Employee medical record also includes medical opinions, diagnoses, progress notes, recommendations, first aid records, descriptions of include medical information in the form of physical specimens (e.g. blood or urine samples) which are routinely discarded as a part of normal medical practice or records concerning health insurance claims if maintained separately from the employer's medical program and its social security number, payroll number, etc.). Employee medical record does not mean records of procedure or evidence or records concerning voluntary employee assistance programs, alcohol, drug abuse, or personal counseling programs, if maintained separately from the employer's medical program and its records.

Employer: Means a current employer, a former employer, or a successor employer.

Exposure or exposed: Means that an employee is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry (inhalation, ingestion, skin contact, or absorption, etc.) and includes past exposure and potential (e.g. accidental or possible) exposure, but does not include situations where the employer can demonstrate that the toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical non-occupational situations.

Health Professional: Means a physician, occupational health nurse, industrial hygienist, toxicologist, or epidemiologist, providing medical or other occupational health services to exposed employees.

Record: Means any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g. paper document, microfiche, microfilm, X-ray film, or automated data processing).

Specific chemical identity: Means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

Specific written consent: Means a written authorization containing the following:

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- The name and signature of the employee authorizing the release of medical information.
- The date of the written authorization.
- The name of the individual or organization that is authorized to release the medical information.
- The name of the designated representative (individual or organization) that is authorized to receive the released information.
- A general description of the medical information that is authorized to be released.
- A date or condition upon which the written authorization will expire (if less than one year).

A written authorization does not operate to authorize the release of medical information not in existence on the date of written authorization, unless the release of future information is expressly authorized, and does not operate for more than one year from the date of written authorization. A written authorization may be revoked in writing, prospectively at any time.

Toxic substance or harmful physical agent: Means any chemical substance, biological agent (bacteria, virus, fungus, etc.) or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and non-ionizing radiation, hypo- or hyperbaric pressure, etc.) which is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS); or has yielded positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer or is the subject of a Material Safety Data Sheet kept by or known to the employer indicating that the material may pose a hazard to human health.

Trade secret: Means any confidential formula, pattern, process, device, or information or compilation of information that is used in an employer's business and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

PRESERVATION OF RECORDS

Unless a specific occupational safety and health standard provides a different period of time, each employer shall assure the preservation and retention of records as follows:

Employee medical records: The medical record for each employee shall be preserved and maintained for at least the duration of employment plus thirty (30) years, except that

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the following types of records need not be retained for any specified period:

- Health insurance claims records maintained separately from the employer's medical program and its records.
- First aid records (not including medical histories) of one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and the like which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a non-physician and if maintained separately from the employer's medical program and its records.
- The medical records of employees who have worked for less than one (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

Employee exposure records: Each employee exposure record shall be preserved and maintained for at least thirty (30) years, except that background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one (1) year as long as the sampling results, the collection methodology (sampling plan). A description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the relevant results obtained, are retained for at least thirty (30) years. Material Safety Data Sheets and Employee Exposure Records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity (chemical name if known) of the substance or agent, and where it was used, is retained for at least thirty (30) years and biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard.

Analyses using exposure or medical records: Each analysis using exposure or medical records shall be preserved and maintained for at least thirty (30) years.

Nothing in this section is intended to mandate the form, manner, or process by which an employer preserves a record as long as the information contained in the record is preserved and retrievable, except that chest X-ray films shall be preserved in their original state.

GENERAL ACCESS TO RECORDS

Whenever an employee or designated representative requests access to a record, the employer shall assure that access is provided in a reasonable time, place, and manner. If the employer cannot reasonably provide access to the record within fifteen (15) working days, the employer shall within the fifteen (15) working days apprise the employee or

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designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available.

The employer may require of the requester only such information as should be readily known to the requester and which may be necessary to locate or identify the records being requested (e.g. dates and locations where the employee worked during the time period in question).

Whenever an employee or designated representative requests a copy of a record, the employer shall assure that either a copy of the record is provided without cost to the employee or representative, the necessary mechanical copying facilities (e.g. photocopying) are made available without cost to the employee or representative for copying the record or the record is loaned to the employee or representative for a reasonable time to enable a copy to be made. In the case of an original X-ray, the employer may restrict access to on-site examination or make other suitable arrangements for the temporary loan of the X-ray.

Whenever a record has been previously provided without cost to an employee or designated representative, the employer may charge reasonable, non-discriminatory administrative costs (i.e. search and copying expenses but not including overhead expenses) for a request by the employee or designated representative for additional copies of the record except that an employer shall not charge for an initial request for a copy of new information that has been added to a record which was previously provided and an employer shall not charge for an initial request by a recognized or certified collective bargaining agent for a copy of an employee exposure record or an analysis using exposure or medical records.

Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

EMPLOYEE AND DESIGNATED REPRESENTATIVE ACCESS

Employee exposure record: Except as limited by Trade Secrets each employer shall upon request, assure the access to each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, an exposure record relevant to the employee consists of:

- A record which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is or has been exposed.
- In the absence of such directly relevant records, such records of other employees with past or present job duties or working conditions related to or similar to those

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of the employee to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents to which the employee is or has been subjected.

- Exposure records to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents at workplaces or under working conditions to which the employee is being assigned or transferred.

Requests by designated representatives for non consented access to employee exposure records shall be in writing and shall be specific, with reasonable particularity, the records requested to be disclosed and the occupational health need for gaining access to these records.

Employee medical records: Each employer shall, upon request, assure the access of each employee to employee medical records of which the employee is the subject, except whenever an employee requests access to his or her employee medical records, and a physician representing the employer believes that direct employee access to information contained in the records could be detrimental to the employee's health as explained further in this section.

Each employer shall, upon request, assure the access of each designated representative to the employee medical records of any employee who has given the designated representative specific written consent. (See Authorization Letter for the Release of Employee Medical Record Information to a Designated Representative which is to be used to establish specific written consent for access to employee medical records.)

Whenever access to employee medical records is requested, a physician representing the employer may recommend that the employee or designated representative consult with the physician for the purposes of reviewing and discussing the records requested. The physician may recommend that the employee or designated representative accept a summary of material facts and opinions in lieu of the records requested or accept release of the requested records only to a physician or other designated representative.

Whenever an employee requests access to his or her employee medical records, and a physician representing the employer believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or psychiatric condition could be detrimental to the employee's health, the employer may inform the employee that access will only be provided to a designated representative of the employee having specific written consent and deny the employee's request for direct access to this information only. When a designated representative with specific written consent requests access to

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information so withheld, the employer shall assure the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee

A physician, nurse, or other responsible health care personnel maintaining medical records may delete from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

Analyses using exposure or medical records: Each employer shall, upon request, assure the access of each employee and designated representative to each analysis using exposure or medical records concerning the employee's working conditions or workplace.

Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.), the employer shall assure that personal identifiers are removed before access is provided.

If the employer can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

OSHA ACCESS

Each employer shall, upon request, and without derogation of any rights under the Constitution or the Occupational Safety and Health Act of 1970, 29 USC 651 et seq., that the employer chooses to exercise, assure the prompt access of representatives of the Assistant Secretary of Labor for Occupational Safety and Health to employee exposure and medical records and to analyses using exposure or medical records. Rules of agency practice and procedure governing OSHA access to employee medical records are contained in 29 CFR 1913.10.

Whenever OSHA needs access to personally identifiable employee medical information by presenting to the employer a written access order pursuant to 29 CRR 1913.10 (d) the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days.

TRADE SECRETS

Except as provided in the following paragraph about specific chemical identity, nothing in this section precludes an employer from deleting from records requested by a health

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professional, employee, or designated representative any trade secret data which disclosed manufacturing processes, or discloses the percentage of a chemical substance in mixture, as long as the health professional, employee, or designated representative is notified that information has been deleted. Whenever deletion of trade secret information substantially impairs evaluation of the place where or the time when exposure to a toxic substance of harmful physical agent occurred, the employer shall provide alternative information which is sufficient to permit the requesting party to identify where and when exposure occurred.

The employer may withhold the specific chemical identity, including the chemical name and other specific identification of a toxic substance from a discloseable record provided that the claim that the information withheld is a trade secret can be supported. All other available information on the properties is given and the employer informs the requesting party that the specific chemical identity is being withheld as a trade secret. The specific chemical identity is made available to health professionals, employees, and designated representatives in accordance with the specific applicable provisions of this section.

Where treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a toxic substance is necessary for emergency of first aid treatment, the employer shall immediately disclose the specific chemical identity of a trade secret chemical to the treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The employer may require a written statement of need and confidentiality agreement, in accordance with non-emergency situations as soon as circumstances permit.

In non-emergency situations, an employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld as described above to a health professional, employee, or designated representative if the request is in writing and the request describes with reasonable detail one or more of the following occupational health needs for the information:

- To assess the hazards of the chemicals to which employees will be exposed.
- To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels.
- To conduct pre-assignment or periodic medical surveillance of exposed employees.
- To provide medical treatment to exposed employees.
- To select or assess appropriate personal protection equipment for exposed employees.

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-- To design or assess engineering controls or other protective measures for exposed employees.

-- To conduct studies to determine the health effects of exposure.

In non-emergency situations, an employer shall, upon request, disclose a specific chemical identity otherwise permitted to be withheld if the request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information would not enable the health professional, employee, or designated representative to provide the occupational health services listed above:

-- The properties and effects of the chemical.

-- Measures for controlling workers exposure to the chemical.

-- Methods of monitoring and analyzing worker exposure to the chemical.

-- Methods of diagnosing and treating harmful exposures to the chemical.

In non-emergency situations, an employer shall, upon request, disclose a specific chemical identity otherwise permitted to be withheld if the request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information and the health professional, employee, or designated representative and the employer or contractor of the services of the health professional or designated representative agree in a written confidentiality agreement that the health professional, employee, or designated representative will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, except as authorized by the terms of the agreement or by the employer. Request for information that is denied may refer the request and the written denial of the request to OSHA for consideration.

The confidentiality agreement from the request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information may:

-- Restrict the use of the information to the health purposes indicated in the written statement of need.

-- Provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable pre-estimate of likely damages.

-- May not include requirements for the posting of a penalty bond.

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Nothing in this section is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to OSHA, the employer who provided the information shall be informed by the health professional prior to, or at the same time as, such disclosure.

If the employer denies a written request for disclosure of a specific chemical identity, the denial must be provided to the health professional, employee, or designated representative within thirty (30) days of the request. The denial must be in writing and include evidence to support the claim that the specific chemical identity is a trade secret. The denial must state the specific reasons why the request is being denied and explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

The health professional, employee, or designated representative whose request for information is denied as described by this section may refer the request and the written denial of the request to OSHA for consideration.

When a health professional, employee, or designated representative refers a denial to OSHA as stated above, OSHA shall consider the evidence to determine if the employer has supported the claim that the specific chemical identity is a trade secret. OSHA shall consider the evidence to determine the health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information and the health professional, employee, or designated representative has demonstrated adequate means to protect the confidentiality.

If OSHA determines that the specific chemical identity requested in non-emergency situations is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means for complying with the terms of such agreement, the employer will be subject to citation by OSHA.

If an employer demonstrates to OSHA that the execution of a confidentiality, agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the Assistant Secretary may issue such orders or impose such additional limitations of conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health needs are met without an undue risk of harm to the employer

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Notwithstanding the existence of a trade secret claim, an employer shall, upon request, disclose to the Assistant Secretary any information which this section requires the employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the Assistant Secretary so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is trade secret.

EMPLOYEE INFORMATION

Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees covered by this section of the following:

- The existence, location, and availability of any records covered by this section.
- The person responsible for maintaining and providing access to records.
- Each employee's rights of access to these records.

Each employer shall keep a copy of this section and its appendices and make copies readily available, upon request, to employees. The employer shall also distribute to current employees any informational materials concerning this section which are made available to the employer by the Assistant Secretary of Labor for Occupational Safety and Health.

TRANSFER OF RECORDS

Whenever an employer is ceasing to do business, the employer shall transfer all records subject to this section to the successor employer. The successor employer shall receive and maintain these records.

Whenever an employer is ceasing to do business and there is no successor employer to receive and maintain the records subject to this standard, the employer shall notify affected current employees of their rights of access to records at least three (3) months prior to the cessation of the employer's business.

Whenever an employer either is ceasing to do business and there is no successor employer to receive and maintain the records, or intends to dispose of any records required to be preserved for at least thirty (30) years, the employer shall transfer the records to the Director of the National Institute for Occupational Safety and Health

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(NIOSH) if so required by a specific occupational safety and health standard or notify the Director of NIOSH in writing of the impending disposal of records at least three (3) month prior to the disposal of the records.

Where an employer regularly disposes of records required to be preserved for at least thirty (30) years, the employer may with annual basis of the records intended to be disposed of in the coming year.

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AUTHORIZATION LETTER FOR THE RELEASE OF EMPLOYEE MEDICAL RECORD
INFORMATION TO A DESIGNATED REPRESENTATIVE

I, _____ (full name of worker/patient), hereby authorize
 _____ (individual or organization holding the medical
 records) to release to _____ (individual or organization
 authorized to receive the medical information), the following medical information from
 my
 personal medical records: _____ (describe generally
 the
 information desired to be released).

I give my permission for this medical information to be used for the following purpose:

but I do not give permission for any other use or re-disclosure of this information

Full name of Employee or Legal Representative: _____

Signature of Employee or Legal Representative: _____

Date of Signature: _____

Witness: _____

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AVAILABILITY OF NIOSH REGISTRY OF TOXIC EFFECTS OF CHEMICAL SUBSTANCES (RTECS) (NON-MANDATORY)

The final regulation, 29 CFR 1910.20, applies to all employee exposure and medical records, and analyses thereof, of employees exposed to toxic substances or harmful physical agents (Scope and Application). The term "toxic substance or harmful physical agent" is defined under definitions to encompass chemical substances, biological agents, and physical stresses for which there is evidence of harmful health effects. The regulation uses the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) as one of the chief sources of information as to whether evidence of harmful health effects exists. If a substance is listed in the latest printed RTECS, the regulation applies to exposure and medical records (and analyses of these records) relevant to employees exposed to the substance.

It is appropriate to note that the final regulation does not require that employer purchase a copy of RTECS, and many employers need not consult RTECS to ascertain whether their employee exposure or medical records are subject to the rule. Employers who do not currently have the latest printed edition of the NIOSH RTECS, however, may desire to obtain a copy. The RTECS is issued in an annual printed edition as mandated by section 20 (a) (6) of the Occupational Safety and Health Act (29 USC 669 (a) (6)).

The introduction to the 1980 printed edition describes the RTECS as follows:

The 1980 edition of the Registry of Toxic Effects of Chemical Substances, formerly known as the Toxic Substances list, is the ninth revision prepared in compliance with the requirements of Section 20 (a) (6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596). The original list was completed on June 20, 1971, and has been updated annually in book format. Beginning in October 1977 quarterly revisions have been provided in microfiche. This edition of the Registry contains 68,006 listings of chemical substances: 45,156 are names of different chemicals with their associated toxicity data and 122,940 are synonyms. This edition includes approximately 5,900 new chemical compounds that did not appear in the 1979 Registry (p.xi).

The Registry's purposes are many, and it serves a variety of users. It is a single source document for basic toxicity information and for other data, such as chemical identifiers and information necessary for the preparation of safety directives and hazard evaluations for chemical substances the various types of toxic effects linked to literature citations provide researchers and occupational health scientist with an introduction to the toxicological literature, making their own review of the toxic hazards of a given substance easier. By presenting data on the lowest reported doses that produce effects by several routes of entry in various species, the Registry furnishes valuable information to

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those responsible for preparing safety data sheets for chemical engineers who can use the Registry to identify the hazards which may be associated with chemical intermediates to select substitutes or alternative processes which may be less hazardous.

Some organizations, including health agencies and chemical companies, have included the NIOSH Registry accession numbers with the listing of chemicals in their files to reference toxicity information associated with those chemicals. By including foreign language chemical names, a start has been made toward providing rapid identification of substances produced in other countries (p.xi).

In this edition of the Registry, the editors intend to identify "all known toxic substances" which may exist in the environment and to provide pertinent data on the toxic effects from known doses entering an organism by any route described (p. xi).

It must be reemphasized that the entry of a substance in the Registry does not automatically mean that it must be avoided. A listing does mean, however, that the substance has the documented potential of being harmful if misused and care must be exercised to prevent tragic consequences. Thus, the Registry lists many substances that are common in everyday life and are in nearly every household in the United States. One can name a variety of such dangerous substances: prescription and non-prescription drugs:

food additives, pesticide concentrated, sprays, and dusts; fungicides, herbicides, paints, glazes, dyes, bleaches and other household cleaning agents, alkaline, and other various solvents and diluents. The list is extensive because chemicals have become an integral part of our existence."

The RTECS printed edition may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402 (202-783-3238).










Some employers may desire to subscribe to the quarterly update to the RTECS which is published in a microfiche edition. An annual subscription to the quarterly microfiche may be purchased from the GPO (order the "Microfiche Edition, Registry of Toxic Effects of Chemical Substances"). Both the printed edition and the microfiche edition of RTECS are available for review at many universities and public libraries throughout the country.

The latest RTECS editions may also be examined at the OSHA Technical Data Center, Room N2439 Rear, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210 (202-523-9700), or at any OSHA Regional or Area Office (see, major city telephone directories under United States Government - Labor Department).

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APPENDIX C

HCS Pictograms and Hazards For Labeling (2012 Revisions)

Health Hazard 	Flame 	Exclamation Mark 
<ul style="list-style-type: none"> • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity 	<ul style="list-style-type: none"> • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides 	<ul style="list-style-type: none"> • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non Mandatory)
Gas Cylinder 	Corrosion 	Exploding Bomb 
<ul style="list-style-type: none"> • Gases under Pressure 	<ul style="list-style-type: none"> • Skin Corrosion/ burns • Eye Damage • Corrosive to Metals 	<ul style="list-style-type: none"> • Explosives • Self-Reactives • Organic Peroxides
Flame over Circle 	Environment (Non Mandatory) 	Skull and Crossbones 
<ul style="list-style-type: none"> • Oxidizers 	<ul style="list-style-type: none"> • Aquatic Toxicity 	<ul style="list-style-type: none"> • Acute Toxicity (fatal or toxic)

Under the revised Hazard Communication Standard (HCS), pictograms must have red borders. OSHA believes that the use of the red frame will increase recognition and comprehensibility.